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CONTENTS

		Paragraphs	Page
I.	LAND AND PEOPLE	1 - 28	3
II.	GENERAL POLITICAL STRUCTURE	29 - 31	8
III.	GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED	32 - 50	9
	A. General juridical framework	32 - 36	9
	B. Judicial, administrative and other competent authorities which have jurisdiction affecting human rights	37 - 43	13
	C. Legal remedies	44 - 50	15

I. LAND AND PEOPLE

1. On 1 January 1995, the Azerbaijani Republic had 7,487,000 inhabitants, of whom 3,967,000, or 53 per cent, were urban dwellers and 3,520,000, or 47 per cent, lived in rural areas. Average annual population growth for 1990-1993 was 71,000, against 102,000 in the previous decade. The decline in the rate of growth is linked to increasingly heavy migration, with people moving beyond the Republic's borders.

2. The composition of the population by sex and age is as follows: 3,681,000, or 49 per cent, are men and 3,806,000, or 51 per cent, are women; 35 per cent are below working age (0-15 years), 54 per cent are of working age (men 16-59 years, women 16-54 years) and 11 per cent are of pensionable age. Some 33.4 per cent of the population are below 15 years of age and 4.9 per cent are over 65. The average age of the population is 27. Population growth in the country is due to a natural population shift, namely the birth rate. In 1994, there were 159,761 births. The birth rate in the Republic is quite high. In the context, however, of a worsening demographic situation, the birth rate has also fallen and is now 21.4 births per 1,000 inhabitants, compared with 24.2 in 1993. On average, a woman will have about three babies during her lifetime (general fertility 2.87). Thus present fertility levels maintain continuing modest population growth.

3. The death rate in the country is typically relatively low and stable. Nevertheless, in 1994, there were 54,921 deaths, or 7.4 per 100 inhabitants, representing a 0.1 per cent increase on 1993 (7.3 per cent). The level of mortality is reflected in the figure for life expectancy, which, in 1994, was 70 years, or 65 years for men and 74 years for women. Most acute is the problem of infant mortality, which is comparatively high, at 25.2 deaths before the age of one per 1,000 births in 1994. Altogether 4,180 children in the country died before the age of one in that year. Perinatal mortality was 43.8 women per 100,000 births.

4. The migratory balance has typically been negative for a number of years. In 1993, it amounted to a net loss of 49,000 people, of whom 1,600 went to countries beyond the former Soviet Union. The high level of migration in the Republic in recent years, as in the majority of countries of the former USSR, has been due to the growth of socio-economic tensions.

5. There are around 47,000 marriages annually in Azerbaijan and 6,000 marriages are dissolved. In 1994, there were 6.3 marriages per 1,000 people, and 0.8 divorces. According to the 1989 census, 644 men were married per 1,000 inhabitants of 16 years or over, and 309 had never been married; the figures for women were 594 and 227 respectively.

6. According to census data, there were 4,241 illiterates in the age group 9-49 years (0.1 per cent of this age group), the majority of whom had been unable to attend school because of physical handicaps or chronic illness. Of those aged 15 years or over, 2.7 per cent are illiterate, the majority being elderly.

7. Azerbaijan is a republic of many nationalities. The 1989 census recorded 5,805,000 (82.7 per cent) Azerbaijanis, 392,000 (5.6 per cent)

Russians, 391,000 (5.6 per cent) Armenians, 171,000 (2.4 per cent) Lezgins, 44,000 (0.6 per cent) Avars, 32,000 (0.5 per cent) Ukrainians, 31,000 (0.5 per cent) Jews, 29,000 (0.4 per cent) Tatars and 126,000 (1.7 per cent) members of almost 90 other nationalities. The last census showed that 97.3 per cent of the population considered that their native tongue was the language of their own nationality and 2.7 per cent considered it to be the language of another people. In the census, 291,000 non-Azerbaijanis, or 23.9 per cent, named Azerbaijani as their native language or as a second language which they spoke fluently and 2,302,900 non-Russians, or 34.8 per cent, named Russian.

8. In the Republic there are now more than 200 working mosques, 5 Russian Orthodox churches, 3 synagogues, 1 Georgian Orthodox church, 1 New Apostolic church and 38 houses of prayer.

9. GDP in 1992 at current prices was 1,676 billion manats, or 70.1 per cent of the 1993 level. Per capita expenditure on goods and services was 201,900 manats, 16.3 per cent less than the previous year. The fall in GDP is linked with declining output in the productive sector, which accounts for the bulk of gross domestic product.

10. As a result of social welfare measures necessitated by rising prices for consumer goods and services, nominal monetary incomes of the people of the Azerbaijani Republic in 1994 amounted to 1,185.9 billion manats, 8.8 times more than in the previous year. However, taking into account the influence of the composite price index on consumer goods and services, real monetary incomes were only half their 1993 levels. In 1994, per capita income in the Republic was 159,800 manats. In 1993, the consumer price index rose by a factor of 8.8, and in the first eight months of this year by a factor of 1.6.

Consequences of the armed aggression by the Republic of Armenia against the Azerbaijani Republic

11. The country has suffered serious material losses as a result of the war of aggression by Armenia against Azerbaijan. The aggression by its neighbour brought Azerbaijan considerable losses of human life, and thousands of peaceful citizens were seized as hostages and used for forced labour (including women, old people and children); the homes of peaceful inhabitants and social facilities and State enterprises have been destroyed and burned, and irreplaceable damage has been caused to the flora and fauna.

12. Since the start of the aggression, 876 population centres have been pillaged and destroyed: 215 in the Nagorny Karabakh region, 123 in Lachin region, 127 in Kelbajar region, 59 in Agdam region, 71 in Fizuli region, 85 in Zangelan region, 96 in Djebrail region, 93 in Kubatly region, 6 in Kazakh region and 1 in the Nakhichevan Autonomous Republic. Armenia's aggression against Azerbaijan and the destruction of population centres have been accompanied by barbaric pillaging and removal of property and valuables from the occupied Azerbaijani territories to Armenia. The goods and valuables removed are used for sale to third countries, with the proceeds being used to finance the continuation of the war.

13. During the war Armenian armed forces have plundered 113,000 homes with a total area of more than 9 million square metres. All the property in these buildings has been removed. The total value of the destroyed houses and the property removed from them, by the most modest calculations, amounts to no less than $10 billion.

14. It should also be borne in mind that in the context of the transition to a market economy,the non-State sector developed intensively in the occupied regions, as in the whole of Azerbaijan, with the creation of small enterprises, cooperatives and private firms, which received fixed capital and working capital on credit. All this property was also systematically removed to Armenia. The destruction of the private sector in the occupied lands by force on the part of Armenia is a gross violation of the citizens' economic rights and freedoms.

15. The Armenian occupying forces took a huge quantity of State property away into Armenia. In the occupied territories there remained 173 industrial plants, 122 construction facilities and 3,225 trading establishments. According to some estimates, annual output in the occupied territories (excluding the Nagorny Karabakh region) was $12.1 billion. The use of this capacity by Armenia (with subsequent removal of the goods produced to Armenia) is a substantial blow to the Azerbaijani economy. In addition to buildings in factories, plants, storage facilities and grain elevators, infrastructure - roads, power plants and power lines - has been destroyed.

16. It must be pointed out that the occupied territories generally specialized in farming. In the occupied zone (excluding the Nagorny Karabakh region) there remained 90,700 head of cattle (21,400 in the Nagorny Karabakh region), 349,500 sheep (53,700 in the Nagorny Karabakh region) and 51,800 goats (10,200 in the Nagorny Karabakh region). Azerbaijani refugees were able to remove no more than 10 per cent of these herds from the occupied areas; the remainder was systematically shipped to Armenia. The occupied zone produced cereals to the value of $9.4 million, tobacco $2.3 million, cotton $1.3 million, potatoes $150,000, vegetables $224,000, berries $62,000, fruit $63,500, grapes $12,600, meat $5 million, milk $2.3 million, wool $235,000 and silk cocoons $181,000 - a total of $34 million. The use of this land plus the value of stored produce removed thus adds up to an impressive sum.

17. A large quantity of agricultural equipment (cereal-harvesting machines, combine harvesters, tractors), workshops and around 10,000 State-owned cars and lorries remained on the occupied lands. All this property was removed to Armenia by the Armenian occupying forces by one means or another.

18. Nor did the Armenian army spare social facilities. The zone of occupation contained 3,647 social and cultural facilities, including 315 health units, 799 schools, 288 kindergartens, 808 clubs, 927 libraries, 85 music schools, 22 museums, 4 theatres, 2 concert organizations, 4 art galleries, 268 cinemas and 10 parks of culture and rest. Almost all the equipment in these facilities was taken away to Armenia or destroyed.

19. The natural resources of the occupied zone have suffered irremediable damage. The zone contains 260,000 hectares of category 1 forest in which felling is prohibited (nature protection status). Aerial observation

indicates that 20 per cent of the forests are being busily felled and transported to Armenia, producing an increase of more than 25 per cent in erosion processes, which now affect more than 60 per cent of the occupied territory. In addition, there were two State parks and three State reserves in the territories occupied by Armenia. There is evidence that the State reserve in Kelbajar district that protects 968 hectares of natural groves of Turkish filbert, which is listed in the Red Book for Azerbaijan, has been reduced in area by 50 per cent. As for the wildlife, valuable species of wild animals have suffered reductions of 50 per cent. Their skins are intensively exported to Armenia.

20. Dozens of well-developed deposits of ores with commercial reserves have passed into Armenian hands in the occupied zone. Some of them are now being exploited in a predatory manner, while the rest are under threat of being plundered. For example, at Kelbajar Armenia is intensively exploiting the Azerbaijani part of the Zod gold deposit, in which over 70 per cent of the commercial gold reserves of the deposit are to be found. Between 1976 and 1990, 27.6 tons of gold were mined at the deposit, including the Azerbaijani part. The predatory exploitation of the deposit intensified after the occupation of the Kelbajar district, and 1.5 to 2 tons are now mined each year.

21. The unique sources of mineral and curative waters at Isti-su, which until the Armenian invasion provided the basis for the operation of a famous health and resort complex and a medicinal water bottling plant, are being intensively exploited under Armenian occupation, and the water is shipped to Armenia in large quantities. The annual capacity of the bottling plant was 25 million bottles.

22. At the same time, the threat of predatory plundering hangs over two deposits of gold, four of mercury, one of antimony, two of chromite, large deposits of high-quality facing and construction materials, perlite, obsidian and ornamental and semi-precious stones. In Lachin district two deposits of mercury, one of chromite, two of vermiculite and three of high-quality ornamental marbles and gabbro, a number of deposits of construction materials and unique sources of mineral and curative waters were seized; in Kubatly district two deposits of facing travertines and marbles and a number of deposits of high-value stones suitable for cutting; in Zangelan district one gold deposit, large reserves of marble, unique reserves of raw materials for the chemical industry and five deposits of various natural construction materials.

23. Eleven deposits of walling stones, building sand, alm, building stone, gravel-sand mixture, etc. in Djebrail and Fizuli districts, some of which were being exploited before the occupation, have been transformed into a source of raw materials to meet the requirements of the Republic of Armenia. The plundering and removal to Armenia are being carried out on the pretext of supplying the allegedly ruined economy of the former Nagorny Karabakh Autonomous Republic, whereas on its territory alone there are five deposits of facing materials, three of sawing stones, two of building stone, four of gravel-sand mixture, as well as one deposit of lead and zinc, one of copper and one of gold. The reserves in part of the above-mentioned deposits were intensively exploited, and essentially satisfied the entire demand of the

former region and were even delivered to various regions, including Armenia. According to available information, Armenia is now removing gold-bearing ores from the Kyzylbulag deposit in the former Agderin district to its enrichment plants without hindrance.

24. Added to the above is the fact that with the broadening of the aggression and the occupation of further Azerbaijani territories, the scale of the economic damage is continuing to grow, manifesting itself in the destruction and removal outside the Republic of property, valuables and mineral and raw material resources from the Azerbaijani lands seized by Armenia.

25. A clear confirmation of the vandalism of the occupying forces is the war they have declared on the Azerbaijani cultural heritage in the occupied territories, where unique cultural, historical and architectural features have been completely or partially destroyed. Moreover, a large number of works by painters and sculptors, costly decorations, decorative and applied art objects, valuable manuscripts - both from museum exhibits and from private collections - are being taken away to Armenia by the occupiers as trophies.

26. The fate of the destroyed sites and plundered treasures was placed on record by the Ministry of Foreign Affairs of the Azerbaijani Republic in November 1993 at the twenty-seventh session of the General Conference of the United Nations Educational, Scientific and Cultural Organization in Paris. In November 1994 a UNESCO mission visited Azerbaijan to identify the state of preservation of the educational, cultural and architectural facilities on the territory occupied by armed forces of the Republic of Armenia, and confirmed the existence of serious damage to educational institutions and the Azerbaijani cultural heritage as a result of the war.

27. The Museum of Stone Monuments in Zangelan district and the Museum of History in the town of Shusha continue to be destroyed in the occupation. The Kelbajar Museum of Local History, which contained rare historical exhibits, articles made of gold, silver and precious stones, hand-made carpets and other valuable items, has been completely looted. The museum in the house of the founder of the first opera in the Muslim East (1908), the musician and public figure Uzeir Gadzhibekov, is in danger of disappearing. Sculptural representations of Uzeir Gadzhibekov, the famous poet and vizier (Prime Minister) of the Azerbaijani Karabakh khanate, Vagif, one of the rulers of the Karabakh khanate, the poetess Khurshid-Banu Natavan, and the outstanding tenor who studied at La Scala in Milan, Biul-Biul, have been destroyed or damaged. Many thousands of rare printed works and priceless manuscripts have been destroyed in pillaged and burned libraries. The costly furniture of the palaces of culture and four State theatres also failed to escape the vandals of the twentieth century.

28. Over 20 per cent of the territory of Azerbaijan has been occupied as a result of aggression by armed forces from Armenia. The following is the chronology of the seizure of Azerbaijani towns and districts:

28 February 1992 - Khodzhaly

8 May 1992 - Shusha

18 May 1992 - Lachin

3 April 1993 - Kelbajar

28 June 1993 - Atdere

23 June 1993 - Agdam

23 August 1993 - Fizuli

26 August 1993 - Djebrail

31 September 1993 - Kubatly

28 October 1993 - Zangelan and Goradiz.

In this context it is particularly important to point out that the Agdere and Agdam districts of Azerbaijan were seized by armed forces from Armenia after the adoption of resolution 822 (1993) by the United Nations Security Council on 30 April 1993, condemning the occupation of Kelbajar district; Fizuli district was seized after the United Nations Security Council, in resolution 853 (1993) of 29 July 1993, condemned the seizure of Agdam district; Djebrail and Kubatly districts were seized after the adoption by the United Nations Security Council of resolution 874 (1993) of 14 October 1993. In resolution 884 (1993) of 12 November 1993, the United Nations Security Council condemned the occupation of Zangelan district and the town of Goradiz, the attacks on peaceful inhabitants and the shelling of the territory of the Azerbaijani Republic. In all the above-mentioned resolutions the Security Council reaffirmed respect for the sovereignty, territorial integrity and inviolability of the borders of the Azerbaijani Republic and the inadmissibility of the use of force for the acquisition of territory, and demanded the immediate cessation of hostilities and hostile acts, as well as immediate, complete and unconditional withdrawal of all the occupying forces from the occupied districts of Azerbaijan. Despite the unambiguous demands of the United Nations Security Council, the Republic of Armenia continues to this day to hold occupied Azerbaijani territory and build up its military capability there.

II. GENERAL POLITICAL STRUCTURE

29. The Constitutional Act on the State Independence of the Azerbaijani Republic states: On 28 May 1918, the National Council of Azerbaijan passed the Declaration of Independence, thereby reviving the Azerbaijani people's centuries-old tradition of statehood. The Azerbaijani Republic enjoyed complete political authority within its territory and pursued independent foreign and domestic policies. Institutions characteristic of an independent State - the parliament, Government, army and financial system of the Azerbaijani Republic - were created and began to function. The Azerbaijani Republic was recognized by many foreign States and established diplomatic relations with them. But on 27 and 28 April 1920, in flagrant violation of international law, the Russian Soviet Federal Socialist Republic, without declaring war, moved units of its armed forces into Azerbaijan, occupied the territory of the sovereign Azerbaijani Republic, overthrew by force the

lawfully elected government bodies and put an end to the Republic's independence, won at the cost of enormous sacrifices by the Azerbaijani people. Subsequently, Azerbaijan, as in 1806-1828, was annexed by Russia. The Treaty of Union of 30 December 1922, establishing the USSR, consolidated the annexation. For the next 70 years a colonial policy was applied to the Azerbaijani Republic, its natural resources were ruthlessly exploited, its national riches plundered, the Azerbaijani people was subjected to persecution and repression and its national dignity violated. In spite of this, the Azerbaijani people continued its struggle for independence. The outcome of this struggle was the Declaration on the Re-establishment of the State Independence of the Azerbaijani Republic, passed by the Supreme Soviet of the Azerbaijani Republic on 30 August 1991.

30. The people of Azerbaijan are setting up an independent, secular, democratic, unitary State, whose sovereign power in internal affairs is limited only by law and in external affairs only by the provisions of treaties and agreements to which the people of Azerbaijan have freely expressed their consent. The sovereignty of the Azerbaijani Republic is indivisible and extends over the whole of its territory. The Azerbaijani Republic does not cede in any way whatsoever those sovereign rights which it exercises within its territory to any other State or union of States.

31. State power in the Azerbaijani Republic is based on the principle of the separation of powers. Legislative power is exercised by the Parliament of the Azerbaijani Republic and supreme executive power by the President of the Azerbaijani Republic, the head of the Azerbaijani State. Judicial power is exercised by the independent courts and, in the highest instance, the Constitutional Court of the Azerbaijani Republic, the Supreme Court of the Azerbaijani Republic and the High Court of Arbitration of the Azerbaijani Republic, each within the limits of its authority. The limits of legislative power are defined by the Constitution of the Azerbaijani Republic, those of executive and judicial power by the Constitution of the Azerbaijani Republic, its laws and statutes.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. General juridical framework

32. In its report, the Government of the Azerbaijani Republic will try to give a general picture of the legal framework within which human rights are protected in Azerbaijan.

33. Article 19 of the Constitutional Act on the State Independence of the Azerbaijani Republic states:

> "All citizens of the Azerbaijani Republic are equal before the law. The Azerbaijani Republic subscribes to the Universal Declaration of Human Rights, the Helsinki Final Act and other generally recognized international legal documents and shall ensure that all the rights and freedoms envisaged in them are observed and may be exercised without hindrance, irrespective of sex, race, nationality, religion, social origin, political convictions or any other factor".

34. Chapter 6 of the Constitution of the Azerbaijani Republic is devoted to the fundamental rights and freedoms of citizens of Azerbaijan. There follows a summary of the chief articles of this chapter.

Article 37. Citizens of the Azerbaijani Republic shall enjoy all the socio-economic, political and individual rights and freedoms proclaimed in and guaranteed by the Constitution and laws of the Azerbaijani Republic.

Article 38. Citizens of the Azerbaijani Republic shall have the right to work - that is, to a secure job paid according to the quantity and quality of work performed, but at not less than the minimum level fixed by the State - including the right to free choice of profession, type of occupation and work in keeping with their vocation, capabilities, vocational training and education, taking into account the needs of society.

Article 39. Citizens of the Azerbaijani Republic shall have the right to leisure.

Article 40. Citizens of the Azerbaijani Republic shall have the right to health care.

Article 41. Citizens of the Azerbaijani Republic shall have the right to material provision in old age or in the event of illness, full or partial disablement, or loss of the breadwinner.

Article 42. Citizens of the Azerbaijani Republic shall have the right to housing.

Article 43. Citizens of the Azerbaijani Republic shall have the right to education.

Article 44. Citizens of the Azerbaijani Republic shall have the right to enjoy the benefits of culture.

Article 45. Citizens of the Azerbaijani Republic shall be guaranteed freedom of scientific, technological and artistic creation.

Intellectual property shall be protected by the State.

Article 46. Citizens of the Azerbaijani Republic shall have the right to take part in the conduct of public and social affairs and in the discussion and adoption of laws and decisions at local and national level.

Article 47. Every citizen of the Azerbaijani Republic shall have the right to submit to State agencies and public organizations proposals for improving their operations, and to criticize deficiencies in their work.

Officials shall be obliged to examine citizens' proposals and statements within the established period and take any necessary measures.

Persecuting citizens for voicing criticism is forbidden, and anyone doing so shall be brought to account.

Article 48. Citizens of the Azerbaijani Republic shall be guaranteed freedom of speech and of the press and freedom to attend assemblies, rallies, parades and demonstrations.

Article 49. Citizens of the Azerbaijani Republic shall have the right to form political parties, trade unions and other public organizations.

Article 50. Citizens of the Azerbaijani Republic shall be guaranteed freedom of conscience, that is the right to profess any religion or none, to lead religious worship and to engage in atheistic propaganda. Incitement to religious enmity or hatred is forbidden.

Article 51. The family is protected by the State. Marriage is based on the free consent of the man and the woman; the spouses have equal rights in family relations.

Article 52. Citizens of the Azerbaijani Republic shall be guaranteed inviolability of the person. No one may be arrested other than on the basis of a judicial decision or with the sanction of the public prosecutor.

Article 53. Citizens of the Azerbaijani Republic shall be guaranteed inviolability of the home. No one has the right to enter another's home against the will of those living there except on legal authority.

Article 54. Citizens' private lives and the confidentiality of letters, telephone conversations and communications by telegraph shall be protected by law.

Article 55. It is the duty of all State agencies, social organizations and officials to respect the individual and to protect his rights and freedoms.

Citizens of the Azerbaijani Republic shall have the right to the protection of the law against attacks on their honour and dignity, life and health, personal freedom and property.

Article 56. Citizens of the Azerbaijani Republic shall have the right to lodge complaints against the actions of officials and of State and public bodies. Such complaints must be examined under the procedures and within the time limits established by law.

Appeal against actions by officials in breach of the law or exceeding their authority that infringe upon citizens' rights may be lodged with the courts according to the procedure established by law.

Citizens of the Azerbaijani Republic shall have the right to compensation for damage caused by the unlawful actions of government organizations, political parties, trade unions and public organizations, or officials in the course of their duties.

Article 18 (chap. 2 - The economic system) of the Constitution emphasizes that the Azerbaijani Republic protects labour in all its forms. Working

people have the right to remuneration which corresponds to the quantity and quality of their labour and is sufficient to provide for an existence in freedom and dignity.

Article 19 (chap. 3 - Social development and culture) defines the purpose of the social policy of the Azerbaijani Republic, which involves ensuring the well-being of each person and society as a whole, the achievement of social justice through the creation of equal opportunities, and the development of a system of State-run social services.

Article 20. The Azerbaijani Republic shall ensure respect for the rights and freedoms arising from the law in accordance with the interests of the individual, the family and the group.

Article 21. The Azerbaijani Republic shall encourage and coordinate all types of social activity, ensuring harmony among the interests of all citizens on the basis of the law and creating equal conditions for the free development of each individual.

Article 22. The Azerbaijani Republic shall provide support to citizens of the Azerbaijan Republic in securing comfortable living accommodation in State and public housing and the permanent enjoyment of it, in individual housing units.

Article 23. The Azerbaijani Republic shall see to the improvement of the position and social welfare of groups of the population that are in the least favourable conditions, and shall strive to provide them with a standard of living which is in keeping with human dignity.

Article 24. The Azerbaijani Republic shall, on behalf of the interests of the present and future generations, take the necessary steps to ensure the effective use of land and the subsoil, water resources, the plants and animals of the country, without damaging the environment, to protect the purity of air and water, and to conserve and enhance the natural environment.

Article 25. The Azerbaijani Republic shall see to the protection of the health of its citizens, and shall protect the family - the basic cell of the State - as well as mothers and children.

Article 26. The Azerbaijani Republic shall pursue a humane demographic policy.

Article 27. The Azerbaijani Republic shall create the necessary conditions for the development of the cultural sphere, and shall encourage the development of professional art and the artistic creativity of the people.

The proclamation of these rights in the Constitution means that their applicability arises directly from the country's basic law, and this reinforces the guarantees of their protection.

35. Violations of the human rights and freedoms stipulated by the Constitution are forbidden in national legislation and are severely punished. A whole chapter of the Criminal Code is devoted to crimes against citizens'

political rights, setting forth the penalties under criminal law for obstructing equality of rights for women (art. 131), violations of the inviolability of the home (art. 132), violations of the confidentiality of letters, telephone conversations and communications by telegraph (art. 133), obstruction of citizens' right to vote (art. 134), forgery of electoral documents, irregularities in the counting of votes or violations of the principle of the secret ballot (art. 135), infringement of labour legislation, i.e. the unlawful sacking of workers for personal motives or failure to carry out court orders on reinstatement, and other infringements of labour legislation by officials of State or public enterprises, institutions and organizations (art. 136), violations of industrial safety regulations by officials, if these put the life and health of workers at risk or result in injury (art. 137), violations of the labour rights of pregnant women or nursing mothers (art. 138), persecution of citizens for voicing criticisms (art. 138-1), violations of the rights of trade unions (art. 139), violations of intellectual property rights (art. 140), and interference with religious ceremonies (art. 142). Furthermore, the Criminal Code contains many provisions punishing attempts on or any other kind of infringements of the physical inviolability of individuals (chap. 3 - Crimes against the individual), as well as offences against the private property of citizens (chap. 5).

36. The protection of human rights is provided for in various fundamental legal documents and in various branches of law, in particular: the Criminal Code, the Code of Criminal Procedure, the Civil Code, the Code of Civil Procedure, the Correctional Labour Code, the Code on Marriage and the Family, the Housing Code, the Code of Labour Legislation, the Land Code, and laws on freedom of religion, the mass media, political parties, citizenship, property, education, trade unions, employment, labour protection, leave, pensions, privatization of housing , protection and use of nature, and so on.

B. Judicial, administrative and other competent authorities which have jurisdiction affecting human rights

Judicial system

37. In accordance with article 163 of the Constitution: "Justice shall be administered in the Azerbaijani Republic only by the courts." These are the Supreme Court of the Azerbaijani Republic; the Supreme Court of the Nakhichevan Autonomous Republic; the Baku City Court; the district (town) people's courts; military tribunals; the High Court of Arbitration. The Constitutional Court envisaged in the Basic Law has not yet been created. A bill on the Constitutional Court is currently in preparation.

38. The organization and operating procedures of courts in the Azerbaijani Republic are defined in the Law "On the judicial system of the Azerbaijani Republic" of 26 June 1990. The Law "On the judicial system of the Azerbaijani Republic" defines the tasks of the courts, requiring them in administering justice to defend against any infringement the social order and political and economic systems laid down in the Constitution of the Azerbaijani Republic; the sovereignty of the Azerbaijani Republic; citizens' socio-economic, political and personal rights and freedoms as proclaimed in and guaranteed by the Constitution, and the laws passed in accordance with them; the rights and

legal interests of enterprises, institutions and organizations, amalgamations of such enterprises, institutions and organizations, and public organizations.

39. Everything the courts do is intended to strengthen by all possible means the legal institutions of the State, legality and law and order, to uphold the principle of social justice, to ensure democracy and continued development of popular self-determination, to prevent infringements of the law, to inculcate in citizens strict and unswerving compliance with the Constitution of the Azerbaijani Republic and the laws passed in accordance with it, and to respect citizens' rights, honour and dignity (art. 3).

40. The Constitution of the Azerbaijani Republic enshrines the principle of an independent judicial system. Judges and people's assessors are independent and are answerable only to the law. Judges and people's assessors are guaranteed conditions such that they may exercise their rights and fulfil their responsibilities effectively and without hindrance. Any interference with the administration of justice by judges and people's assessors is inadmissible and punishable by law.

41. Justice is administered in the Azerbaijani Republic on the principle that all citizens are equal before the law and the courts (art. 168), irrespective of birth, social, professional or property status, race or nationality, sex, education, language, religion, type and nature of occupation, place of residence and other factors (art. 6). Justice is administered in the Azerbaijani Republic in the following ways:

(a) Civil cases, involving the defence of the rights and legal interests of citizens, enterprises, institutions and organizations, are examined and settled at judicial hearings;

(b) Criminal cases are examined at judicial hearings, the accused are judged, then those guilty of a crime are sentenced to the punishments fixed by law, or the innocent are acquitted (art. 4). People's judges and judges in administrative and executive matters at district (town) people's courts deal with administrative infringements of the law assigned to their jurisdiction by the legislation of the Azerbaijani Republic (art. 5).

Administrative authorities

42. The head of the Azerbaijani State - the Azerbaijani Republic - is the President of the Azerbaijani Republic. The President of the Azerbaijani Republic exercises supreme executive power in the Azerbaijani Republic and presides over the Cabinet of Ministers of the Azerbaijani Republic (art. 121-1 of the Constitution). The Cabinet of Ministers is an executive and decision-making body of the Azerbaijani Republic subordinate to the President of the Azerbaijani Republic (art. 122). The Cabinet of Ministers consists of the Prime Minister, his deputies, ministers and the heads of other central bodies of the State administration of the Azerbaijani Republic (art. 123).

43. The Office of the Public Prosecutor of the Azerbaijani Republic ensures that its laws are followed strictly and uniformly by the organs of the State administration, enterprises, institutions and organizations, local

authorities, public organizations and officials and citizens within the territory of the Azerbaijani Republic (art. 176).

C. Legal remedies

44. Any resident of the Republic of Azerbaijan who suffers an infringement of his basic rights has at his disposal a whole range of means allowing him to resolve this situation, irrespective of whether the infringement was committed by private individuals or resulted from the actions of State officials.

45. Article 50 of the Code of Criminal Procedure states that an injured party, i.e. anyone who has suffered damage to his reputation, person or property as a result of a crime, or his representative, has the right to: submit evidence; petition the court; examine all documents relating to a case once the preliminary investigation has been concluded; take part in the court examination; raise objections, lodge a complaint against the person leading the inquiry, the investigator, the public prosecutor or the court; and appeal against the verdict or judgement of the court and the decisions of people's judges. Anyone who has suffered material damage as a result of a crime is entitled in the course of the criminal hearing to bring a civil action against the accused or those persons materially responsible for the actions of the accused, and this civil action will be examined by the court at the same time as the criminal charges (art. 51).

46. A criminal case may be brought in response to:

(a) A statement made by a citizen;

(b) Information provided by a trade union or other public organization;

(c) Information provided by an enterprise, institution, organization or official;

(d) Information published in the press;

(e) A confession;

(f) The direct discovery by a prosecutor, investigator, agency leading an inquiry or court of circumstances indicating that a crime has been committed (art. 104).

The defendant, his counsel and legal representative, and the injured party and his legal representative may appeal to have the court's verdict quashed. The public prosecutor is required to apply for any unlawful or unjustified verdict to be quashed, irrespective of whether he supported the prosecution in the court of first instance. The civil plaintiff, the civil respondent and their representatives may appeal against that part of the verdict which concerns the civil suit. Anyone acquitted by the court may lodge an appeal against the verdict on account of the motives or grounds for acquittal (art. 344).

Other measures taken to ensure the realization of human rights

47. In the very brief time since the adoption of the Constitutional Act on the State Independence of the Azerbaijani Republic on 18 October 1991, significant moves have been made towards democratic reform, the safeguarding of human rights and freedoms by the State and the construction of a democratic, law-based State. All sections of society are actively involved in the reform process, through numerous political organizations and associations of a non-political character which enjoy complete freedom of speech and association.

48. Work is under way in the Republic on a large number of new laws. In addition to the laws on political parties, social organizations, mass media, education, freedom of religion and the official language already passed, the numerous amendments to other Azerbaijani legislation and various laws of the former USSR which have remained in force within the territory of the Republic, new bills on health and freedom of entry to and exit from the Azerbaijani Republic have been presented to the Parliament of the Azerbaijani Republic, and work is under way on a new Constitution (Basic Law).

49. The Azerbaijani Republic has also acceded to a number of international human rights instruments. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the World Declaration on the Survival, Protection and Development of Children, the Geneva Conventions for the protection of the victims of war, the Convention on the Political Rights of Women, the Convention and Protocol relating to the Status of Refugees, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, and Conventions of the International Labour Organization. The National Assembly of Azerbaijan is considering proposals from various organizations, enterprises, ministries, departments and public associations for accession to a large number of international legal instruments.

50. In spite of the fact that the processes of building a democratic society and implementing economic reform have been beset by fundamental difficulties, the Azerbaijani Republic reaffirms its commitments: it will make every effort within its power to carry out democratic reforms, enable basic human rights and freedoms to be ensured and respected, and construct a democratic, secular State.